

Application No.: 10/732,724

Art Unit 3752

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REMARKS

1. In response to the Final Office Action mailed 07/27/2006, the applicant hereby amends his specification.

Further in response to the Final Office Action, the applicant hereby amends his claims. In particular, claims 3, 10, 23 and 30 hereby are canceled. Also, claims 1 and 21 hereby are amended.

2. The drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims. In particular, the drawings were objected to on the following grounds of objection labeled "a" through "g" as failing to show the indicated items in the corresponding claims:

- a. The reservoir ports 223, 225 of claim 1 and the fluid reservoir ports 423, 424, 425 of claim 21;
- b. The electrostatically-driven membrane of claims 3 and 23;
- c. The electrostatically-actuated piston of claims 3 and 23;
- d. The magnetically-actuated membrane of claims 3 and 23;
- e. The thermally-actuated paddle vane of claims 3 and 23;
- f. The ballistic aerosol dispensing mechanism of claims 3 and 23; and
- g. The orifice plate of claims 10 and 30, where the orifice plate is arranged such that at least one of the one or more fluids dispensed by at least one or more of the micromechanical dispensing mechanisms is further dispensed through the orifice.

In response to this objection, claims 3, 10, 23 and 30 are canceled, thus eliminating the corresponding grounds for objection labeled "b" through "g" above.

Further in response to this objection, claims 1 and 21 are amended to cure the remaining ground for objection labeled "a" as described above.

In particular, claim 1 is amended to delete the objectionable text "by means of a corresponding fluid reservoir port (223, 225) of the fluid reservoir (220, 222)". Also,

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claim 21 is amended to delete the objectionable text "by means of corresponding fluid reservoir ports (423, 424, 425) of the respective fluid reservoirs (420, 421, 422)".

It is thus believed that this objection is traversed.

3. The drawings were further objected to as failing to comply with 37 CFR 1.84(p)(5) as failing to include various reference sign(s) mentioned in the amended description.

In response to this further objection, the specification has been amended to remove the various reference sign(s) mentioned in the further objection.

It is thus believed that this further objection also is traversed.

4. The remarks below are directed to the remaining claims 1, 4-8, 21 and 24-28.

5. Claims 1 and 21 were rejected under section 103 as being obvious in view of the combination of Gooray et al., U.S. Patent Number 6,419,335 (hereinafter "Gooray") and Carrese et al., U.S. Patent Number 6,390,615 (hereinafter "Carrese").

The remarks below are directed to the aforementioned rejection of claim 1.

In contrast to this obviousness-type rejection under section 103, however, a PRIMA FACIE case of obviousness as defined in M.P.E.P. section 706.02(j) is NOT SATISFIED, and thus claim 1 is allowable under section 103. The reasons why this PRIMA FACIE case of obviousness is NOT SATISFIED are explained below.

First, in contrast to the requirements of M.P.E.P. section 706.02(j), there is NO suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art at the time the invention was made, to combine Carrese with Gooray in order to achieve the claimed invention, inasmuch as BOTH REFERENCES Carrese and Gooray are NON-ANALOGOUS to the subject matter of claim 1.

In particular, the subject matter of claim 1 pertains to "A micromechanical dispensing device to dispense one or more fluids INTO AN ATMOSPHERE", emphasis supplied.

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In contrast, as to Gooray, this first reference is directed to a PRINTING APPLICATION, see Gooray, col. 1, lines 13-15, and also several other specific applications enumerated in Gooray, col. 2, lines 1-9. Thus, Gooray is NON-ANALOGOUS to the subject matter of claim 1, which is directed to DISPENSING ONE OR MORE FLUIDS INTO AN ATMOSPHERE.

In further contrast, as to Carrese, this second reference likewise is directed to a PRINTING APPLICATION, see Carrese, col. 1, lines 31-47. Thus, Carrese is NON-ANALOGOUS to the subject matter of claim 1, which is directed to DISPENSING ONE OR MORE FLUIDS INTO AN ATMOSPHERE.

Hence, there is no suggestion and there is no motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art at the time the invention was made, to combine the reference teachings of Carrese with Gooray in order to achieve the claimed invention.

It is fundamental that NON-ANALOGOUS references MAY NOT BE COMBINED to determine a claim's allowability under section 103.

Second, in further contrast to the requirements of M.P.E.P. section 706.02(j), the required reasonable expectation of success IS MISSING.

Third, in still further contrast to the requirements of M.P.E.P. section 706.02(j), the reference teachings of Gooray and Carrese, when hypothetically combined, FAIL TO TEACH OR SUGGEST ALL THE CLAIM LIMITATIONS, inasmuch as they fail to achieve the claimed "Micromechanical dispensing device to dispense one or more fluids INTO AN ATMOSPHERE" of claim 1, emphasis supplied.

Further as to the requirements of making a PRIMA FACIE case of obviousness, it is emphasized that M.P.E.P. section 706.02(j) expressly instructs, "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and NOT BASED ON APPLICANT'S DISCLOSURE", emphasis supplied.

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In summary, a PRIMA FACIE case of obviousness as defined in M.P.E.P. section 706.02(j) is NOT SATISFIED, and thus claim 1 is allowable under section 103.

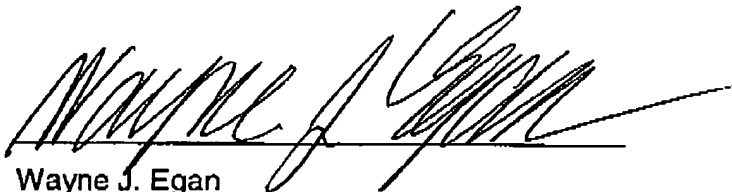
6. Claims 4-8 are dependent on claim 1. As a result, these claims 4-8 are allowable at least on the grounds that they depend on their common parent claim 1 which, as discussed in 5 above, is itself allowable.

7. Claim 21 is written in parallel structure to claim 1. Therefore, claim 21 is allowable for the same reasons claim 1 is allowable, which reasons are given in 5 above.

8. Claims 24-28 are dependent on claim 21. As a result, these claims 24-28 are allowable at least on the grounds that they depend on their common parent claim 21 which, as discussed in 7 above, is itself allowable.

In summary, it is believed the remaining claims 1, 4-8, 21 and 24-28 are allowable and the application is in condition for allowance.

Accordingly, further consideration of this application now is respectfully requested. Please direct questions to the undersigned attorney at the number below.



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